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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD

A G E N D A

GENERAL MEETING

Grand Hyatt San Francisco
San Francisco B & C Room
345 Stockton Street
San Francisco, California 94108
(415) 398-1234

September 7, 2007

Please note that Board action may be taken regarding any of the issues listed below. As such, if any person has an interest in any of these issues, you may want to attend.

The Board shall provide an opportunity for members of the public to comment on each agenda item before or during the discussion or consideration of the item as circumstances permit. (Gov. Code § 11125.7).

1. **8:30 a.m. -- Meeting called to order.**
2. **Roll Call.**
3. **Approval of the Minutes from the March 28, 2007, and June 6, 2007, General Meetings, and June 6, 2007, Special Meeting.**
4. **Presentation of Resolution to Haig Papaian, former Public Board Member.**
5. **Oral Arguments before the Public Members of the Board.**
 - a. FORTY-NINER SIERRA RESOURCES, INC., dba FORTY-NINER SUBARU v. SUBARU OF AMERICA
Protest No. PR-1972-05
 - b. BOB LEWIS VOLKSWAGEN dba BOB LEWIS SUZUKI v. AMERICAN SUZUKI MOTOR CORP.
Protest No. PR-2042-07

6. Closed Executive Session deliberations.

Pursuant to Government Code section 11126(c)(3), Vehicle Code section 3008(a), and Title 13, California Code of Regulations, sections 581 and 588, the Board shall convene in a closed Executive Session to deliberate on the decisions to be reached upon the evidence introduced in proceedings that were conducted in accordance with Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

a. Consideration of Proposed Decision.

FORTY-NINER SIERRA RESOURCES, INC., dba FORTY-NINER SUBARU
v. SUBARU OF AMERICA
Protest No. PR-1972-05

Consideration of the Administrative Law Judge's Proposed Decision, by the Public Members of the Board.

b. Consideration of Proposed Order.

BOB LEWIS VOLKSWAGEN dba BOB LEWIS SUZUKI v. AMERICAN
SUZUKI MOTOR CORP.
Protest No. PR-2042-07

Consideration of the Administrative Law Judge's Proposed Order Granting Respondent's Motion to Dismiss as to the Claims of the Silicon Valley Suzuki Advertising Association, by the Public Members of the Board.

7. Open Session.

8. Update concerning the Board's continued compliance with the 1996 Performance Audit conducted by Business, Transportation & Housing Agency - Executive Committee.

9. Discussion and report concerning who is marketing "Smart Car of America" vehicles in the United States and whether all of the California licensing requirements have been satisfied - Executive Committee.

10. Consideration of updated business cards that reflect the new logo - Administration Committee

11. Annual update concerning the development and use of the Board's website - Administration Committee.

12. Discussion and consideration of the budget process, the State-imposed deadlines, and the Board's budget - Fiscal Committee.

13. **Discussion and consideration of memorandum determining that funds collected by the Board are properly classified as fees and the method for determining fee schedule is fair and reasonable - Fiscal Committee.**
14. **Consideration of the Recreation Vehicle Industry Association's (RVIA) request that the Board reconsider its policy concerning Dealer Board Member participation in Article 5 recreational vehicle protests (Veh. Code §§ 3070, 3072, 3074, 3075, and 3076) - Policy and Procedure Committee.**
15. **Consideration of the Board policy concerning Dealer Board Member participation in Article 5 recreational vehicle protests (Veh. Code §§ 3070, 3072, 3074, 3075, and 3076) - Policy and Procedure Committee.**
16. **Consideration of proposed revision to the assignment of Board Administrative Law Judges to Mandatory Settlement Conferences wherein Marilyn Wong and Polly Riegenbach would function as the settlement Administrative Law Judges - Policy and Procedure Committee**
17. **Report concerning the number of manufacturers and distributors filing the statutorily required notices in compliance with Vehicle Code sections 11713.3(o)(3)(A) [factory ownership of dealership within relevant market area of same line-make dealership(s)] and 11713.3(o)(3)(B) [dealer development stores] - Policy and Procedure Committee.**
18. **Report that Richard Lopez resigned as a Board Administrative Law Judge and has been taken off the Merits and Mandatory Settlement Conference Assignment Logs effective June 30, 2007 - Policy and Procedure Committee.**
19. **Discussion concerning pending Legislation - Policy and Procedure Committee.**
 - a. Pending Legislation that impacts the Board.
 - b. Pending Legislation of general interest.
 - (1) Assembly Bill 305 (Assembly Member Ma)
 - (2) Assembly Bill 1092 (Assembly Member Emmerson)
 - (3) Assembly Bill 1135 (Assembly Member Strickland)
 - (4) Senate Bill 60 (Senator Cedillo)
 - (5) Senate Bill 234 (Senator Corbett) [Chaptered July 27, 2007]
 - (6) Senate Bill 729 (Senator Padilla)
 - (7) U.S. House of Representatives Bill 1015 (U.S. Representative Capuano)
 - (8) U.S. House of Representatives Bill 1029 (U.S. Representative Stearns) – “Damaged Vehicle Information Act”
 - (9) U.S. House of Representatives Bill 1920 (U.S. Representative Inslee) – “Health Care for Hybrids Act”
 - (10) U.S. Senate Bill 545 (U.S. Senator Lott) – “Passenger Vehicle Loss

- Disclosure Act”
- (11) U.S. Senate Bill 767 (U.S. Senator Obama) – “Fuel Economy Reform Act”
- (12) U.S. Senate Bill 1055 (U.S. Senator Biden) – “American Automobile Industry Promotion Act of 2007”
- (13) U.S. Senate Bill 1151 (U.S. Senator Obama) – “Health Care for Hybrids Act”

20. Executive Director's Report.

- A. Administrative Matters.
- B. Case Management.
 - (1) Status of Protests.
 - (2) Status of Petitions.
 - (3) Status of Appeals.
 - (4) Matters Resolved.
- C. Judicial Review.
- D. Notices Filed Pursuant to Vehicle Code sections 3060/3070 and 3062/3072.
- E. Other.

21. Public Comment. (Gov. Code § 11125.7).

22. Adjournment.

To request special accommodations for persons with disabilities at this or any future Board meeting or to request any accommodation for persons with disabilities necessary to receive agendas or materials prepared for Board meetings, please contact Kathy Tomono at (916) 445-1888 or ktomono@nmvb.ca.gov.